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Expert Forsaken During Hostage Crisis

To help get the hostages back from Iran, the Carter administration called upon Herb Cohen, an internationally respected lawyer, whose specialty is negotiating. He not only told Jimmy Carter's people what they were doing wrong — while they were doing it — but he predicted the release of the hostages almost to the exact hour.

There was only one problem: The Carter strategists paid no attention to him. They sought his expert views, then excluded him from their deliberations. Not until Ronald Reagan's advisers consulted Cohen, ironically, did anyone listen to him.

He submitted his conclusions in writing to Reagan's campaign manager, William Casey, on Oct. 25 — 10 days before the election. "Khomeini and his mullahs know that they are selling to an anxious buyer," advised Cohen. "Therefore, the maximum price that they can extract from this administration will be just prior to the election"

"To put it bluntly, any experienced negotiator or bazaar vendor knows that on Nov. 5 the Iranians will have to put their 'illegally obtained merchandise' on sale at a cut-rate price."

Although the anxious Carter might be willing to pay the maximum price, Cohen predicted, there wouldn't be time to cut a deal before Election Day. The release of the hostages would come too late, therefore, to bail out Carter. "And so, it is probable

that Gov. Reagan will be the president-elect on Nov. 5," wrote Cohen.

With Reagan the winner, this would put Carter "in an excellent position to negotiate a palatable agreement" before the transfer of power. "If by word or deed the president-elect and his spokesmen make clear that there will be a radical departure from the existing policies with respect to government-sponsored terrorism," Cohen advised, "the Iranians will view Inauguration Day as their final deadline."

"As a result, they will select the option of dealing with Carter, the Satan known, rather than Reagan, the Satan unknown," Cohen added prophetically: "There is a negotiating truism that most concession behavior and all settlements will occur at the deadline."

Reagan issued statements calculated to exploit the Iranian apprehension about him. Cohen correctly calculated that the statements would impress the Iranians because, he wrote, they saw Reagan as "a person who means what he says." Thus Reagan responded as Cohen recommended, and the Iranians reacted as Cohen predicted — on the exact deadline he had foreseen.

From the beginning, Cohen studied the Koran for clues to Khomeini's behavior. He also brought to the hostage crisis his experience in dealing with other hostages, as a consultant to the Justice Department and the FBI.

He advised Carter's people to abandon their "passive policy" and take the

offensive. His plan was simple: He listed two dozen new sanctions to impose on Iran — embargoing food and medicine, expelling Iran from the satellite communications network, cutting off all commercial flights, sealing the borders against smugglers, etc.

The idea was to impose these penalties, one at a time, five days apart. This would put the United States in the position of acting instead of reacting, Cohen argued, keeping the Iranians off-balance, wondering what was coming next.

The plan was rejected if it was ever considered. Then on Oct. 23, when the Republicans were still nervously wondering if Carter would pull an "October Surprise" to get the hostages out and himself reelected, Reagan's campaign manager flew to New York City for a five-hour talk with Cohen.

Casey asked him to put his views in writing, and two days later, Cohen offered this analysis: "Since January, the ineptitude of the Carter administration caused the 'Iranian Hostage Crisis' to become mired in Wonderland, where the Red Queen is the sickly, senile Khomeini, the drowsy dormouse an American president and Alice, the figure of reason, has been out on a prolonged coffee break."

He concluded the Carter administration had failed to grasp — and exploit — the key point in the hostage seizure: It was a criminal act, and the Iranian mullahs were kidnapers.